

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION NO.2270 of 1995

THE HON'BLE MR. JUSTICE Y.B. BHATT:

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1. Whether Reporters of Local Papers may be allowed to see the judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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CORAM: Y.B. BHATT J.

DATE: 12-02-1996  
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Appearance:

Mr. R.S. Sanjanwala, advocate for the petitioner.

Mr. S.M. Shah, advocate for the respondent no.1.

Mr. Dharendra Mehta, advocate for the respondent nos.2 to 5.  
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J U D G E M E N T

1. At the request of Mr. R.S. Sanjanwala, learned counsel for the petitioner, respondent nos.6 and 7 are deleted.

2. Rule. Mr. S.M. Shah, learned advocate waives service on behalf of respondent no.1, and Mr. Dharendra Mehta, learned advocate waives service on behalf of respondent nos.2 to 5. At the request and by consent of learned counsel for the

aforesaid parties, rule is taken up for hearing today.

3. The subject matter of the present revision is Order below Exh.26. Mr. S.M. Shah, learned counsel for the first respondent-original plaintiff states and concedes that the impugned order below Exh.26 does not disclose the technical ground on which the plaintiff was permitted to withdraw the suit. He, therefore, seeks permission to withdraw the original application Exh.26, with liberty to file a fresh application for the same purpose.

4. By consent of learned counsel for the respective parties the original application Exh.26 is permitted to be withdrawn. Under the circumstances the order impugned in the present revision does not require to be challenged. It is clarified that the original plaintiff shall be at liberty to file another application in the trial court for a similar purpose. The defendants shall be at liberty to contest the same on all grounds available to them under law.

5. It is clarified that Civil Application No.1541/96, being an application for contempt, will be heard and decided on merits by the appropriate court. It is further clarified by consent of learned counsel for the parties, that the order, dated 4th May 1995 passed in A.O. 194/95 (Coram: N.J. Pandya J.) shall continue to operate.

6. Rule is made absolute accordingly with no order as to costs. Ad interim relief, if any stands vacated.

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